

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE, an Individual,

Plaintiff,

v.

THE WEINSTEIN COMPANY LLC;
THE WEINSTEIN COMPANY HOLDINGS
LLC; HARVEY WEINSTEIN, ROBERT
WEINSTEIN, LANCE MAEROV, RICHARD
KOENIGSBERG, TARAK BEN AMMAR,
DIRK ZIFF, TIM SARNOFF, MARC LASRY
PAUL TUDOR JONES, JEFF SACKMAN,
and JAMES DOLAN,

Defendants.

Index No. 1:18-cv-05414
District Judge R.A
Magistrate Judge R.W.L.

**DECLARATION OF MARCUS
SPIEGEL IN SUPPORT OF
PLAINTIFF'S MOTION FOR
LEAVE TO FILE A SECOND
AMENDED COMPLAINT**

DECLARATION OF MARCUS SPIEGEL

I, MARCUS SPIEGEL, do hereby declare and affirm:

1. I am an attorney at law licensed to practice before all of the courts of the State of California. I am a partner in the law firm of Allred, Maroko & Goldberg, attorneys of record for Plaintiff Jane Doe in the above-captioned matter. As such I am familiar with the facts of this case. The following is true of my own personal knowledge. If called, I could and would competently testify thereto. This declaration is made in support of Plaintiff Jane Doe's Motion for Leave to File a Second Amended Complaint. A true and correct copy of the proposed Second Amended Complaint is attached hereto as Exhibit 1.

2. Plaintiff originally filed this matter in the Superior Court of the State of California for the County of Los Angeles (“State Court”) on November 17, 2017. A true and correct copy of the original complaint is attached hereto as Exhibit 2.

3. Plaintiff filed a First Amended Complaint (“FAC”) on January 2, 2018. A true and correct copy of the FAC is attached hereto as Exhibit 3.

4. On February 1, 2018, Defendants The Weinstein Company LLC and The Weinstein Company Holdings LLC (hereinafter collectively referred to as “TWC”) filed their answer to Plaintiff’s FAC. A true and correct copy of Defendants TWC’s Answer is attached hereto as Exhibit 4.

5. On February 27, 2018, Defendant Harvey Weinstein filed an answer to Plaintiff’s FAC. A true and correct copy of Defendant Harvey Weinstein’s Answer is attached hereto as Exhibit 5.

6. On March 19, 2018, Plaintiff filed Doe Amendments naming each of the Directors and David Glasser as Defendants. A true and correct copy of these Doe Amendments is attached hereto as Exhibit 6.

7. Later on March 19, 2018, Defendant The Weinstein Company Holdings LLC filed for Bankruptcy.

8. On July 11, 2018, I and Christina Cheung, conferred with counsel for Director Defendant Sarnoff regarding Plaintiff’s potential amendment to the FAC. We indicated Plaintiff intended to add detail bearing on the claims against Director Sarnoff and the other Directors Defendants.

9. Plaintiff served via waiver of service of summons Paul Tudor Jones, Richard Koenigsberg, Robert Weinstein, Dirk Ziff, Jeff Sackman, James Dolan, and Lance Maerov (see

Dkt. 40, 41, 43-47). When arranging for their waiver of service, Plaintiff offered each of these Director Defendants the same time to respond as Defendants Sarnoff and Glasser. In other words, their time to respond would be adjourned until 30 days after entry of an order denying Plaintiff's motion to amend or the Second Amended Complaint was filed.

10. Plaintiff's counsel circulated the proposed Second Amended Complaint to counsel for Defendants Sarnoff, The Weinstein Company LLC, The Weinstein Company Holdings LLC, and Harvey Weinstein on or about July 25, 2018 inquiring whether they consented to Plaintiff filing the Second Amended Complaint or whether Plaintiff would need to seek leave of court to amend. Counsel for Defendants Sarnoff and Harvey Weinstein indicated that they do not oppose the motion. Counsel for The Weinstein Company LLC and The Weinstein Company Holdings LLC did not respond whether they will oppose as of the date of filing these papers.

11. On August 1, 2018, Plaintiff filed a stipulation of dismissal without prejudice as to Defendant Marc Lasry (see Dkt. 59).

12. On August 2, 2018, Plaintiff filed a stipulation of dismissal without prejudice as to Defendant David Glasser (see Dkt. 61).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on this 2th day of August 2018.



MARCUS SPIEGEL